

IN THE

**Court of Appeal of the State of California**

IN AND FOR THE

**Fifth Appellate District**

**F030124      People v. Harper**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F030047      People v. Rodriguez**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F029661      People v. Torres**

The trial court's ruling dismissing one of the prior conviction allegations is reversed. Torres's sentence is vacated. On remand, the district attorney shall be provided an opportunity to prove the truth of that dismissed allegation; Torres shall be permitted to renew his request that the trial court exercise its section 1385 and to have the trial court rule on that request. The trial court shall resentence Torres when appropriate.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F029411      People v. Soto**

The judgment is affirmed with respect to the denial of defendant's motion to suppress. The trial court is directed to modify the abstract of judgment to: 1) reflect that defendant was sentenced to one-third of the midterm as to count one, which, when doubled and added to the term imposed as to count two, results in a total sentence of seven years four months, and no time conditionally stayed; and 2) reflect that defendant was convicted in count one of a violation of Health and Safety Code section 11358; and to forward a copy to the Department of Corrections.

By the Court.

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**F031050      In re Daniel H. et al., Minors**  
The judgments are affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F029775      Calmat of Central California v. Roebbelen Engineering, Inc., et al.**  
Those portions of the judgment awarding respondent attorney fees in the amount of \$7,360 and denying its pre-June 5, 1996, costs are reversed and the matter is remanded to the trial court for further proceedings to determine respondent's pre-June 5, 1996, costs (including its attorney fees for that period) to which it shall be entitled.

In all other respects the judgment is affirmed. Appellant shall recover its costs on appeal. Harris, J.

We concur: Dibiaso, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F030316      People v. Britt**  
The matter is remanded to the trial court so that it may recalculate Britt's entitlement to presentence custody credit in a manner consistent with the views expressed herein. The trial court is also directed to file an amended abstract of judgment which clearly shows Britt's award of presentence custody in each case and to forward a certified copy to the Department of Corrections. In all other respects the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F030566      People v. Lira**  
The matter is remanded to the trial court so that it may calculate Lira's entitlement to presentence custody credit and issue an amended abstract of judgment in a manner consistent with People v. Chew, supra, 172 Cal.App.3d 45. The court is also directed to forward a certified copy of the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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**F031196      People v. Callahan**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F028710      People v. Brown**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F029960      People v. Rundell**

With the exception of the issues discussed above, our review of the record discloses that no other reasonably arguable factual or legal issues exist. Therefore, the sentence is vacated and the matter is remanded to the trial court for resentencing in accord with the views expressed herein and in accord with the terms of Rundell's negotiated plea in the instant case. In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F027703      People v. Grimm**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F027230      Bachelor v. Reef Sunset Unified School District**

The above-entitled matter having been argued on March 15, 1999, and submission having been deferred pending review of supplemental briefs, the cause is hereby submitted for decision.

**F029614      People v. Hanson**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F027148      People v. Santos et al.**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F028674      Thomas v. Pacheco, et al.**

The parties having filed supplemental briefs with the court's permission following submittal order filed February 22, 1999, said submittal order is vacated and set aside, and the cause submitted as of the filing date of the last brief, April 26, 1999.

**F030634      People v. McClendon**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F030504      People v. Valdivia, Jr.**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F031188      People v. Lopez**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F029790      People v. Miller**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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**F030858**      **In re Kayla P., a Minor**  
The appeal is dismissed.  
By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F032553**      **People v. Span**  
Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

Pursuant to rule 38, California Rules of Court, it is further ordered that the remittitur issue forthwith.